

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CASSANDRA BROOKER,

Defendant.

Case No. 2:17-mj-01204-NJK

ORDER GRANTING MOTION TO
CONTINUE PRELIMINARY
HEARING

(Docket No. 12)

Pending before the Court is the United States' motion to continue the preliminary hearing in the instant case, currently set for January 12, 2018, for a period of 45 days. Docket No. 12. The United States submits that, after Defendant was released on conditions, she failed to comply with the terms of her release. *Id.* at 2. As a result, United States Magistrate Judge Carl W. Hoffman issued an arrest warrant for Defendant, who remains in absconder status. *Id.* Therefore, Defendant's consent to a continuance of the preliminary hearing cannot be obtained. *Id.* The United States further submits that Defendant's counsel has no objection to continuing the preliminary hearing in an attempt to locate her and to "potentially engage in pre-indictment negotiations." *Id.*

Pursuant to Fed.R.Crim.P. 5.1(d), a preliminary hearing may be continued "[w]ith the defendant's consent and upon a showing of good cause - taking into account the public interest in the prompt disposition of criminal cases..." If the defendant does not consent, the Court may continue the preliminary hearing "only on a showing that extraordinary circumstances exist and justice requires the delay." *Id.*

....

1 In the instant case, the Court finds that the arrest warrant and Defendant's current absconder
2 status constitute extraordinary circumstances for the purpose of continuing the preliminary hearing.
3 Further, the Court finds that justice requires the continuance, in light of Defendant's counsel's desire
4 to locate Defendant and potentially engage in negotiating this case prior to indictment.

5 Accordingly,

6 IT IS ORDERED that the United States' Motion to Continue, Docket No. 12, is **GRANTED**.

7 IT IS FURTHER ORDERED that the preliminary hearing in this matter is continued to February
8 27, 2018, at 4:00 p.m., in courtroom 3C.

9 IT IS SO ORDERED.

10 DATED: January 11, 2018.

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14 NANCY J. KOPPE
15 United States Magistrate Judge
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